

Doc Code: AP.PRE.REQ

PTO/SB/33 (07-05)

Approved for use through 10/10/200x. OMB 0651-00xx

**U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE**

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) <b>MXIC 1553-3</b>
<p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" (37 CFR 1.8(e))  <b>e 571-273-8300</b>  on <b>5 June, 2004</b></p>		
<p>Signature <u>Diane Bergin</u></p>		Application Number <b>10/642,249</b>
		Filed <b>15 AUG 2003</b>
First Named Inventor <b>Chih Chieh Yeh</b>		
Art Unit <b>2811</b>		Examiner <b>D.W. Dwors</b>
Typed or printed name <u>Diane Bergin</u>		

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

- applicant/inventor.

assignee of record of the entire interest.  
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.  
(Form PTO/SB/96)

attorney or agent of record.  
Registration number 30,846

attorney or agent acting under 37 CFR 1.34.  
Registration number if acting under 37 CFR 1.34

Keller  
Signature

Mark A. Haynes  
Typed or printed name

650.712.0340  
Telephone number

5 June 2006

**NOTE:** Signatures of all the inventors or assignees of record of the entire Interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

\*Total of 1 forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.8. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*

Application No. 10/642,249

MXIC 1553-3  
(P920080US2)

**CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8**  
I hereby certify that this correspondence is being facsimile  
transmitted to MAIL STOP AF, United States Patent and Trademark  
Office, at Fax No. 571.273.8300 on 05 JUNE 2006.

Diane Bergin  
Diane Bergin

RECEIVED  
CENTRAL FAX CENTER  
JUN 05 2006

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Inventors:  
**Chih Chieh Yeh et al.**

Application No.: **10/642,249**Filed: **15 August 2003**Title: **Method for Programming  
Programmable Eraseless Memory**Examiner: **Douglas W. Owens**Group Art Unit: **2811**Confirm. No.: **1545**Customer No. 22470

**MAIL STOP AF**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 223131-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir:

Applicants request a pre-appeal brief review because of clear errors in the examiner's rejections. Applicant notes that the status of this application in public PAIR reads "allowance counted." However, there is no notice of allowance in the file wrapper and applicant has not received a notice of allowance.

In the present application, claims 30 and 32 are rejected as anticipated by Ohno. All other claims are either allowed or objected to because they depend from claim 30 but otherwise would be allowable.

Applicant has pointed out that Ohno does not anticipate claims 30 and 32 in the response filed 3 October 2005 at pages 2-3, and in the after final response dated 2 February 2006 at page 2. At this point, no advisory action has been mailed.

Application No. 10/642,249

MXIC 1553-3  
(P920080US2)

The Examiner has identified the phase calibrator 50 of Ohno as the element of claim 30 which reads "changing the reference level after storing data in the memory." This is a clear mistake. See, response dated 2 February 2006, page 2.

Claim 30 reads:

30. A method for resetting data stored in a memory array, where data in the memory array is stored by setting a property of memory cells in the array, said property resulting in a value for a signal produced to sense the data having a level above or below a reference level to indicate a data value, comprising:  
changing the reference level after storing data in the array.

Applicant has pointed out that the phase calibrator of Ohno is not related to resetting data in a memory. Rather it is related to adjusting the reference point frame used in decoding data on a communication line.

The Examiner has taken the position that claim 30 does not require resetting data. However, the claim is a method for resetting data by changing the reference level used for sensing data in the array. Therefore, the Examiner is clearly mistaken.

Claim 32 depends from claim 30 and is not anticipated for at least the same reason.

The Commissioner is hereby authorized to charge underpayment of any additional fees or credit any overpayment associated with this communication to Deposit Account No. 50-0869 (MXIC 1553-3). A copy of this authorization is enclosed.

Respectfully submitted,  
HAYNES BEFFEL & WOLFELD LLP

Date: 5 June 2006

By: \_\_\_\_\_

Mark A. Haynes, Reg. No. 30,846

HAYNES BEFFEL & WOLFELD LLP  
P.O. Box 366  
Half Moon Bay, CA 94019  
Telephone: 650-712-0340  
Facsimile: 650-712-0263

Jun. 5. 2006 2:40PM Haynes Beffel Wolfeld LLP

RECEIVED  
CENTRAL FAX CENTER No. 0087 P. 1

JUN 05 2006

**HAYNES BEFFEL & WOLFELD LLP**

INTELLECTUAL PROPERTY LAW

P.O. Box 366, 751 Kelly Street

Half Moon Bay, CA 94019

Phone 650-712-0340 Fax 650-712-0263

[www.HMBay.com](http://www.HMBay.com)

MARK HAYNES  
ERNIE BEFFEL  
WARREN WOLFELD  
JIM HANN

*Of Counsel:*

\*BILL KENNEDY

KENTA SUZUE

PETER SU

\*\*JOSEPH E. ROOI'

\*admitted in MA only

\*\*admitted in NY only

**FACSIMILE TRANSMITTAL FORM**

FAX NUMBER:	(571) 273-8300
TRANSMITTED TO:	Mail Stop AF
OF:	U.S. Patent and Trademark Office
FROM:	Mark A. Haynes/Diane Bergin
CLIENT/MATTER:	MXIC 1553-3
DATE:	5 June 2006

TOTAL NUMBER OF PAGES INCLUDING THIS COVER SHEET:

7

ORIGINAL:

WILL NOT FOLLOW

FOLLOWS VIA U.S. MAIL

FOLLOWS VIA COURIER

THE DOCUMENTS ACCOMPANYING THIS TELECOPY TRANSMISSION CONTAIN INFORMATION FROM HAYNES BEFFEL & WOLFELD LLP AND ARE FOR THE SOLE USE OF THE ABOVE INDIVIDUAL OR ENTITY, AND MAY BE PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER LAW. ANY OTHER DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE IF YOU ARE NOT THE INTENDED RECIPIENT AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS. WE WILL REIMBURSE YOUR REASONABLE PHONE AND POSTAGE EXPENSE FOR DOING SO.